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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,483	07/29/2003	Franco Cesano	Q76511	4683
23373	7590	04/17/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			DAVIS, ROBERT B	
			ART UNIT	PAPER NUMBER
			1722	

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/628,483	<b>Applicant(s)</b> CESANO, FRANCO	
	<b>Examiner</b> Robert B. Davis	<b>Art Unit</b> 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 5-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/24/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1-4, in the reply filed on January 31, 2006 is acknowledged.
2. Claims 5-7 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 31, 2006.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Cesano (EP 1153725 A1: figures 1-3 and 5, column 1, lines 23-31 and column 2, line 1 to column 3, line 13).

Cesano teaches an apparatus for molding an article (L, 22) comprising: a first mold half (10), a second mold half (12), provided with respective compression molding surfaces (14, 16) to compress a plate (L) therebetween, and at least one injection molding area (18) communicating with the compression molding surface via narrow section (36), spacer means (32) provided in the injection molding area and positioned in such a way as to prevent said plate from penetrating into the injection molding area

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when it is compressed between the compression molding surfaces. The recitation of a thermosetting plate is intended use and the structure of the reference is clearly capable of compression molding a thermosetting plate.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanai et al (5,008,060: figures 2a-2c and column 5, lines 1-18).

Kanai et al teach an apparatus for molding an article comprising: a first mold half (Y) and a second mold half (Z) having respective molding surfaces to compress a body (A), an injection molding area (7) communicating with the compression molding area, and spacer means which are projections (6) that serve to deform the body (A) as illustrated in figure 2(c) and prevent the body (A) from penetrating into the injection molding area (7). The projections (6) are integral with the mold half (Y) and project from the injection molding area (7). The inclusion of the phrase "at least on plate of thermosetting material" is intended use and the structure of the reference of Kunai et al is clearly capable of compression molding a thermosetting plate material. If applicant desires coverage for a mold that compresses a plate, the structure of the mold half surfaces should be claimed instead of mere mentioning of the material being worked upon.

6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Danielson et al (2,609,570: figures 1-18 and column 3, lines 49-56).

Danielson et al teach an apparatus for molding an article (A), comprising: a first mold half (E) and a second mold half (D) with respective compression molding surfaces to compression mold a preform (B: figure 2), an injection molding area (15a)

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communicating with the compression molding surfaces, spacer means (17) provided in the injection molding area (15a) and positioned in such a way to prevent the preform from penetrating the injection molding area. The compression molding surfaces are the ends of the spacer pins (17) and the bottom (16) of the molding cavity. The inclusion of the phrase "at least on plate of thermosetting material" is intended use and the structure of the reference of Danielson et al is clearly capable of compression molding a thermosetting plate material. If applicant desires coverage for a mold that compresses a plate, the structure of the mold half surfaces should be claimed instead of mere mentioning of the material being worked upon.

### ***Conclusion***

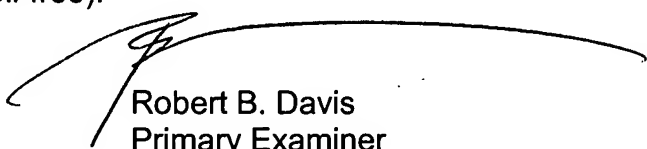
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is 571-272-1129. The examiner can normally be reached on Monday-Friday 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert B. Davis  
Primary Examiner  
Art Unit 1722

4/11/04